

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Grassi, et al.,

Case No. 1:18-cv-02619-PAB

Plaintiffs,

-vs-

JUDGE PAMELA A. BARKER

John Grassi, et al.,

ORDER

Defendants.

1. Defendants' Proposed Pretrial Protocol

The Court has reviewed Defendants' Proposed Pretrial Protocol (the "Protocol") and the Joint Status Report on the Meet and Confer Efforts as it relates to the Protocol (Doc. No. 148 at 2). The Court understands that Plaintiffs agree to paragraphs 3 and 4 of the Protocol. The Court declines to adopt the remaining disputed paragraphs of the Protocol. As the Court previously noted:

Counsel agreed to exchange demonstratives they want to use during their opening statements the night before trial so any objections can be raised with the Court prior to opening statements. Counsel also agreed to inform opposing counsel at the end of each trial day what witnesses they anticipate calling the following day. Demonstratives to be used in closing arguments will be exchanged beforehand and any objections will be raised with the Court prior to closing arguments.

(Doc. No. 119.) Those directives remain.

2. Number of Jurors

As to the number of jurors, the Court understands that Plaintiffs prefer eight (8) jurors while Defendants prefer twelve (12) jurors. (Doc. No. 148 at 3.) The parties agree that three (3) alternate jurors would be appropriate. The Court will impanel ten (10) jurors and three (3) alternate jurors.

3. Specification of Trade Secrets

Defendants demand specification of the trade secrets that Plaintiffs will claim at trial to be misappropriated prior to trial. (Doc. No. 148 at 2.) Plaintiffs contend that the trade secrets and intellectual property at issue have been sufficiently identified, that they will prove this in their case in chief, and that Defendants' demand for specification is unwarranted at this time. (*Id.* at 2-3.) The Court agrees with Plaintiffs and will not require Plaintiffs to further specify, at this time, the trade secrets that they will claim to be misappropriated at trial.

IT IS SO ORDERED.

Date: November 30, 2022

s/ Pamela A. Barker
PAMELA A. BARKER
U. S. DISTRICT JUDGE